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Bringing Border Security and Mohawk Culture Back Together? Akwesasne, between Aboriginal Sovereignty and National Security

Laetitia Rouviere
Carleton University

Based on the case of the Mohawk territory of Akwesasne located between Ontario and New York State, this paper aims to analyze the links between the affirmation of cultural specificities and the implementation of security policies on borderlands. Its focus extends beyond political conflicts over border issues to include the way in which aboriginal sovereignty is affirmed within processes of negotiation and cooperation in the matters of identification requirements, border agents' cultural sensitivity and law enforcement. We find that the enhancement of border security can paradoxically be a political opportunity for local leaders to reaffirm indigenous sovereignty; this reaffirmation through cooperation is at the same time becoming a key factor in the implementation of border security policies.

Introduction

The border between Canada and the USA cuts across various ancient aboriginal territories and divides communities that have maintained close links across time. Despite the initial recognition of indigenous rights to cross the border freely, disputes and trials have been ongoing since the 1960s between the governmental authorities that have acted in defence of these customs agencies and aboriginal people. Since 2001, the deep transformations within the border security policies of both countries have worsened the daily relationship between customs authorities and aboriginal peoples who cross the border on a regular basis. However, these changes that have been made to border security policies have also meant an increasing inclusion of aboriginal border communities, especially in the U.S., working towards the goal of securing the border. This paper seeks to assess this local involvement in border security policies in order to understand how cultural concerns are valorized or used by aboriginal leaders in their interactions with government agencies. The case of Akwesasne is particularly instructive in tackling such a question. Firstly, its geographical situation is quite unique in that this Mohawk territory literally straddles the international boundary between Canada (Ontario and Quebec) and the USA, both recognized reserves being their own unique territory. Many other communities' lives revolve around the border, such as the Cree, the Blackfoot-Blackfoot (Saskatchewan, Alberta, British Columbia and Montana), the Passamaquody (New Brunswick and Maine), the Ojibwe in the Lake Superior region (Alm & Burkhart, 2013), the Coast Salish peoples (British Columbia and Washington State), amongst others. Nonetheless, their recognized territories (the reserves) are not directly split by the border as it is in Akwesasne. Secondly, the Mohawk are renowned for their political link with the border, but mostly for criminal or activist activities; most of the works on the Mohawk people focus on either smuggling issues (Daudelin, Soiffer, Willows, 2013; Spencer, 2011); including when they deal with cultural productions such as the movie *Frozen River* (Dodds, 2013; Raussert, 2011), or the various "crises" that have arisen since the 1990's (Pertusati, 1997). Despite some useful historical studies that have been conducted on the Iroquois people and their territoriality, (Konrad, 1981; Nichols, 2010; Cobb, 2008; Fitz, 2008; Taylor, 2006; Fenton, 1998), few studies have investigated the political positioning and diplomatic style of aboriginal leaders in this area.

The aim of this paper is to go beyond the periods of political crises, the judicial conflicts and any "romance of resistance" (Sparke, 2008) by exploring the various forms of dialogue that Mohawk leaders and external agencies have engaged in together¹. From this perspective, border security and cross-border culture can be conceived of as being co-constructed constituents rather than as diametrically opposed to each other. First, we argue that rather than restricting aboriginal claims, the changes in border security policies can constitute a political opportunity for local leaders to reaffirm cultural specificities and aboriginal sovereignty. Second, we outline the contingent implementation of public policies according to the specific cultural context of, in this case, aboriginal borderlands. Thus, this paper seriously considers the contributions of local leaders as well as the community in the way that borderlands become "secured" not only in the literal sense of security, but also in the sense of being "securitized". Looking beyond the scope of the security measures themselves, it is important to examine the institutionalization of First Nations' participation in the implementation of these security measures. This allows us to then question the process of securitizing borderlands through the

¹ To this end, we focus on local Mohawk elected leaders' discourses on border security issues. The fieldwork is based on public reports, interviews and the observation of political meetings and events.

involvement of local cultures and practices. The rules of the game are currently shifting towards an increasing inclusion of cultural concerns in the implementation of security policies. The border can thus become a resource in the maintenance and rebuilding of cultural specificities, identities and claims for nationhood. Hence, the very definition of security can be addressed through an analysis of local territorialities, which is the dynamic and evolving result of a complex interaction between central and peripheral values, norms and interests. By considering indigenous territorialities as spatial strategies that affect the implementation of border policies without disturbing the policies' contents, the goal is to apprehend the potential changes that arise both from and on the territorial and socio-political margins: How do indigenous authorities take over security imperatives on borderlands while affirming cultural specificities?

The regeneration of border security policies has resulted in significant disturbances in Akwesasne residents' daily lives. Nonetheless, the affirmation of aboriginal sovereignty when addressing such concerns specifically impacts the political positioning of borderland leaders on issues of the border. After interrogating the meaning of aboriginal sovereignty within the borderlands, we observe how sovereignty is projected within border security policies. We focus especially on identification requirements, the cultural sensitivity of border officers, and, finally, the cooperation of law enforcement agencies. The perspectives, analysis and conclusions that are reached in this paper point to the potential for border security policies to be built from the bottom-up.

Border Studies and Indigenous Sovereignty

The Canada-US border has generally been known as the longest unsecured or undefended border in the world (Sadowski, 2002: 8; Nicol, 2006) and was of little interest for scholars until the implementation of NAFTA. Despite the increasing number of studies on this border, especially since 9/11, few works have addressed the governance of borders in aboriginal borderlands between Canada and the USA. In contrast, the US-Mexico border has been a priority, not only in the field of border studies (Martinez, 1994), but also in this of indigenous studies (Feghali, 2013). Several works have compared the situation of First Nations on the US-Mexico border to the US-Canada border (Luna-Firebaugh, 2002), particularly from a legal studies perspective (Castella, 2000). When dealing with aboriginal borderlands on the Canada-US border, the main issue that has been addressed are the difficulties in indigenous daily life that arise from the boundary (Hele, 2008; O'Brien, 1984) or more generally regarding First Nation Peoples' mobility across the border (Tolazzi, 2011, Tonra, 2006; Singleton, 2009, Boos & McLawsen, 2013). But little interest has been expressed about the ways in which aboriginal people deal with or take advantage of the border situation. The latter can be a strong political resource for local leaders who take a stand on border policy issues: the goal of this work is to address the active role of First Nations in the implementation of border policies.

The involvement of First Nations in the governance of borders is particularly interesting in the North American context. What is of most interest to this paper is the territorial component of indigenous cultural affirmation. The figure of the reserve was created by the states as a concrete limitation to indigenous power - and sovereignty - in a historical process of "internal colonization" (Tully, 2000), that even finds a continuity within the broader politics of recognition (Coulthard, 2007). But it has also become a basis for political autonomy and cultural affirmation, especially over the last few decades. In this sense, the case of Akwesasne is quite unique in that the boundary line crosses the Canadian and the American official reserves, but both reserves concretely constitute only one territory. This territory constitutes a strong basis to the claim for sovereignty. The term 'aboriginal sovereignty' covers a variety of meanings, which can be defined according to the national context, to the scientific approach

or to its concrete practice. The official definition of aboriginal sovereignty differs between Canada and the USA, as it is much more institutionalized in the latter. Echoing to the strong polarization of the public debate regarding Aboriginal peoples, the academia has traditionally considered aboriginal sovereignty as an intangible asset that must be defended. We intend to go beyond this kind of reification, using the term as “category of analysis” rather than a “category of practice” (Brubaker, 2001: 69). We analyse how the term is used by the stakeholders as a way of affirming a political stand in a day-to-day practice. In this sense, the concrete practices of sovereignty do not just refer to the most spectacular mobilizations, radical discourses or indigenous activism; they are also part of the discourses about and within the *cooperation* with external agencies. This is all done following a specific way of thinking diplomacy and affirming cultural differences. Sovereignty is not only the capacity to dictate selfhood when faced with external powers, but also a mean to render indigenous peoples *visible* (Byrd, 131).

Aboriginal sovereignty is closely linked to territoriality, the latter being defined as a spatial strategy (Sack, 1986: 1-2). Indigenous territoriality differs from state territoriality but it doesn't necessarily challenge it in the end. Cross-border territoriality can result from a local appropriation of the national government of territories through its reinterpretation and through local uses of the existing institutional frameworks. It can be defined as a strategy of adaptation and negotiation resulting from a combination of various territorial referees: border territoriality is always “flexible” (Novak, 2011). Thus, drawing attention to local territoriality does not mean that state territory and territoriality are necessarily called into question (Paasi, 1998, Taylor, 1994). Cross-border activities, claims and cultural practices can sometimes paradoxically contribute to the enhancement of state territory as a political referee, in a game of interaction between center and peripheries that allows local leaders to take over some national norms while, at the same time, using cultural specificities as a political resource and as a source of political visibility (Rouvière, 2012). This reflection ensues from a broader one about the participation of border communities in the construction of borders. Various scholars have acknowledged how borderland practices and culture help to shape the very definition of borders (Brunet Jailly, 2005; Konrad & Nicol, 2008). In his historical study of nation-building in France and Spain, P. Sahlins wrote that it is a “dialectic of local and national interests which produced the boundaries of national territory” (Sahlins, 1991: 8). Borders are not only political institutions but also processes (Anderson, 1996; Newman, 2006) that evolve over time according to the perceptions of different stakeholders who are either affected by the border or involved in shaping its definition. Borders are always in motion (Konrad, 2015). Borderlands can be considered to be specific territories, with the border itself representing a link between people living at either side of the divide. Borderland communities, their culture, their constructed identity and their practices of power all wholeheartedly lend themselves to the definition of borders.

The study of aboriginal territorialities can thus be particularly helpful in understanding how border administration is defined and how it is concretely practiced on borderlands. It allows for the questioning of potential changes that can arise on and from the territorial and socio-political margins; those margins being sites of interactions, where the change within any action occurs (Parker, 2009). Their role can be observed not only in the general construction of borders, but also in the definition of border policies. In the case of security policies, the involvement of First Nations in their implementation can insert some cultural considerations and at the same time, locally take over security imperatives. The notion of securitization is useful to contextualize border security policies and their impact within a process that, although modified by 9/11, did not begin because of it. The term ‘securitization’ has been defined by scholars of the school of Copenhagen in the field of International Relations (Gruszczak, 2010) as an exceptional situation that would follow a “sudden rupture” in daily

life (Huysmans, 1998: 571) and a rhetoric based on the idea of a threat to the survival of the group (McDonald, 2008: 567). On the contrary, we rather define securitization as a set of norms which have been constructed as implicit or explicit codes of behaviour (Paasi, 1998: 82), cooperation and negotiation being part of this construction. Beyond exceptional security measures or their punctual contestation through demonstrations, these codes of behaviour define how it is “correct” for indigenous people and leaders to address border issues in terms of discourses and practices. The Foucauldian way of analyzing the government of marginal spaces certainly does not only refer to borderlands; it encompasses a broader situation in which borders can be qualified as “mobile” (Amilhat-Szary&Giraut, 2015), their location blurred by traceability and processes of de/rebordering. Nonetheless, borderlands are of increasing interest to the policy-makers: not only for reasons such as the implementation of high technology, sensors and cameras in some of those areas, but also because of the involvement of borderland peoples in the generalization of surveillance. In this sense, we intend to reaffirm the specificities of borderlands in the processes of securitization of borders.

Akwesasne: Claiming Aboriginal Sovereignty In-between

Recent changes to border policies regarding identification and mobility particularly affect people living on borderlands. In Akwesasne, the most obvious version of cultural affirmation against those policies has been through demonstrations, bridge blockades and activism. Nonetheless, the Akwesasne leaders also affirm aboriginal culture across the international boundary in the form of specific ways of mobilization, negotiation and cooperation, opening a dialogue with external authorities on border security policies. Both are manifestations of sovereignty that must be understood by taking into consideration the way in which public action is legitimized within the territory. The intermeshing between the ‘traditionalist’ and the ‘catholic’ trends is decisive in the behaviour of local leaders in their interaction with external agencies.

The various manifestations of aboriginal sovereignty in Akwesasne rely on the complex structure of power within the reserve and, beyond the periods of crisis, the day-to-day practice and manifestation of local power in its relationship with external agencies. Several sources of internal legitimization of the political discourse support the affirmation of autonomy. In addition to the multiple jurisdictions that Akwesasne depends on – the territory straddles the USA and Canada, but also the provincial boundary between Ontario and Quebec² – the two main internal sources of power need to be mentioned in order to understand the local dynamics of political mobilizations and discourses. What we call the “two pillars of local power” refers to the religious divisions that have been shaping political attitudes towards what has been called a structural “factionalism”. Although most of the population, as well as the elected chiefs, is catholic, the traditionalist trend appeared in the 1930’s (Frisch, 1971: 75). The traditionalists claim to be followers of the Longhouse religion, or the Handsome Lake Code and the Great Law of Peace. The Longhouse refers to the ancient housing of the Iroquois, but also broadly to the Iroquois cosmology (Venables, 2010). The Great Law of Peace is an old agreement between the Six Nations that form the Iroquois Confederacy, or Haudenosaunee³; the latter relies on a clan organization of power. This tendency has a strong role in the political thinking

² Since the 19th century, three different bodies have governed: two elected Councils – the Mohawk Council of Akwesasne in the Canadian part and the St Regis Mohawk Tribal Council in the US part – and the Mohawk Nation Council of Chiefs, which is the traditional government for all the Mohawk people. In 1899, the Canadian government created a tribal council now known as the Mohawk Council of Akwesasne (MCA), as the elected jurisdictional authority in Canada. In 1802, the New York State Legislature passed a law recognizing three trustees and a clerk as representatives of the Mohawks. This body evolved into the present St. Regis Mohawk Tribal Council.

³ It comprises the Mohawk, Onondaga, Oneida, Cayuga, Seneca, and Tuscarora nations. The latter joined the Confederacy in 1722.

within Akwesasne, especially since the 1970's, when it was recovered by the Warrior movement (Alfred, Lowe, 2005)⁴. The Warrior Society has been participating in an important part of the internal debates that has to do with the "correct" way of dealing with external agencies. This division of power sources continues to impact the different leadership styles amongst the Iroquois. An agent of the MCA describes this impact in an interview:

"The difference between the two is that a traditional chief would be quieter; he would definitely speak his language and know a lot about the culture; he would not make a snap-decision or be very emotional; he would analyze things, there could be people yelling at him or in his face and in Mohawk you'd say his skin is more than seven spans thick. Well, he would just not react. He would listen to you, he would listen to other people. He would go and consult with his clan and his clan mothers. He would think about it for a while. Maybe a week later, he'd come to a decision. That's a traditional chief. An elected chief would end up on the podium, talk to the crowd, say, "This is what we're going to do right away, this is how we're going to try and resolve it." It's two different leadership methods. One is *Roane*, the other is a *Ratsiahiaash*. It's a different kind of leader, I suppose."

Some of the current elected Chiefs – Grand Chief of the MCA Mike Mitchell being the first of whom to be elected – are symbolic of a mixture between both trends, which is a key to understanding the way in which discourses and claims are legitimized within the territory⁵.

In particular, the concept of aboriginal sovereignty relies on historical diplomatic practices and on the inheritance of the Great Law of Peace (Bedford, Workman, 1997). The Wampum Belt symbolizes ancient diplomatic practices as well as the first treaties with colonial powers. It represents two parallel rows that are meant to symbolize an Iroquois canoe and a European ship: the boats travel in the same direction, but never meet each other, like two nations working together as neighbours. This historical context supports the idea that the Mohawk and the European-descendant are two different peoples; it also represents a strong claim for the recognition of nationhood and autonomous governance. This historical and political background has an important impact on local management of border security. The idea of sovereignty is part of a political argumentation that confers legitimacy within the community by mixing the catholic and the traditionalist trends. Cultural affirmation is thus an important part of the internal political game, but it also confers a greater external visibility. Indeed, Mohawk diplomacy includes strategies of visibility on issues that not only refer to Akwesasne's situation as a borderland, but also embrace broader and older aboriginal claims.

Akwesasne has a strong reputation of political resistance against external imperatives, which is the first and most obvious manifestation of its sovereignty. When the Canada-US boundary was drawn across the territory of Akwesasne in 1842⁶, the "Akwesasne Community Proclamation" affirmed the maintenance of unity within the territory regardless of jurisdictional and international boundaries⁷. In spite of a strong institutional and political complexity, this affirmation of unity has been maintained over time. This perception has taken the form of various kinds of political actions over border policies, especially but not only since 9/11, and the implementation of security policies in and around the

⁴ See also www.louishall.com and the Warrior Society Newsletter.

⁵ The sources of power in Akwesasne go far beyond the sole elective system. In 1993, the idea still existed of modifying the local system of representation in St Regis (Starna, 1993).

⁶ The Mohawks established themselves along the St Lawrence River in 1755. Originally, it was a mission site for Catholic Mohawk, who emigrated from the mission at Caughnawaga (Kahnawake near Montreal – established in 1667) and the Mohawk Valley (in current New York State near Albany). After the war of 1812, Treaty of Ghent called for the establishment of a joint Boundary Commission, which in turn laid the final boundary line in June of 1822. Akwesasne's current population is around 14000 people.

⁷ This proclamation is dated from June 14, 1842 (Mohawk Council of Akwesasne, November 2013: 23).

territory. Akwesasne’s most renowned resistance against border policies are the protests and bridge blockades that have been ongoing since the 1960’s. In particular, Grand Chief Mike Mitchell has been known for his activism regarding border issues since the 1960’s, not only because of the legal cases he was involved in (*Mitchell v M.N.R.*), but also because the visibility of his actions since 1968, when he made the documentary called *You are on Indian Land* during a bridge blockade on the border⁸. More recently, one of the most spectacular mobilizations happened in 2009, when the port of entry was relocated. Originally, the Canadian port of entry was located on Cornwall Island (*Kawehno:ke*), inside the reserve. However, it had to be removed from the territory when the community refused the CBSA project of arming Canada Custom officers. If these changes have made daily life in the reserve even more complex, the results of this event have also been perceived as a manifestation of Mohawk sovereignty: political decision-making has been affirmed as a local prerogative (picture 1).

Picture 1. The previous Canadian port of entry in Cornwall Island

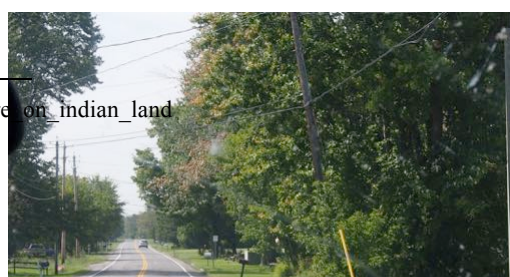


The impression that everyday life in Akwesasne revolves around border crossings has become stronger since 2009. With the exception of the two official ports of entry, most border crossings have always been so informal that visitors barely know whether they are in Ontario, Quebec or the United States. Half of the radio building is located in Canada, while the other half is on American soil. Border markers are covered with vegetation (picture 2); the only indication of border crossing are changes in pavement (picture 3) and mobile phone networks. During the winter, the “ice bridge” is the easiest way to cross from the U.S. to Quebec (picture 4).

Picture 2. Border Marker in Akwesasne



Picture 3. Pavement change from Ontario to the USA



⁸See https://www.nfb.ca/film/you_are_on_indian_land

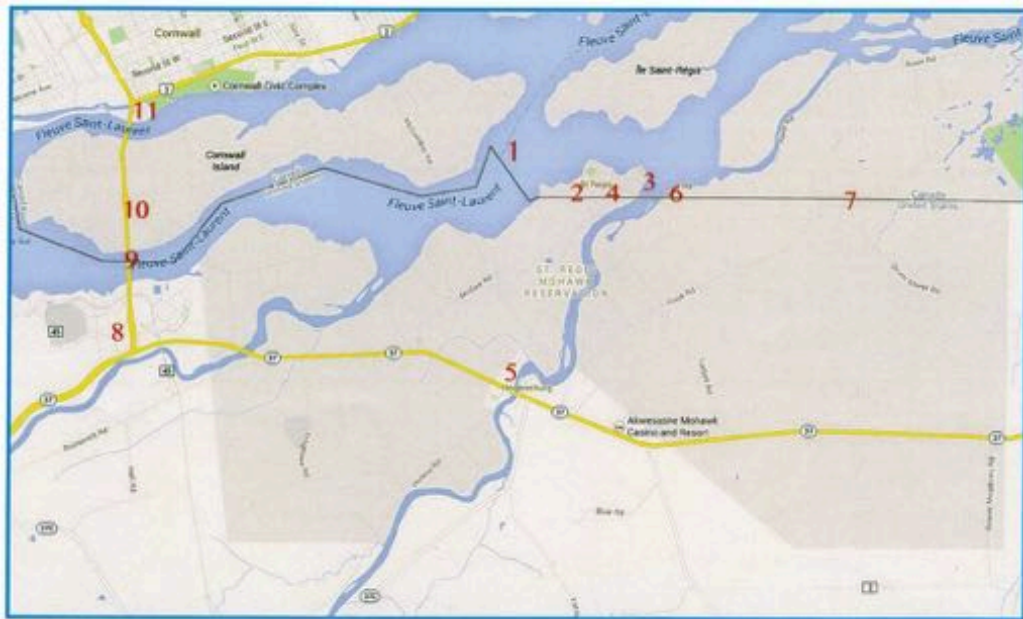
Picture 4. The “Ice Bridge” in summer



To reach the Mohawk Council of Akwesasne’s building in Quebec from Cornwall (Ontario) by land, people have to cross the border at the Massena port of entry (US), go through the United States and enter Quebec once in the reserve (see map). In addition to the complexity that is due to the presence of the boundary line, the US and Canadian border practices differ in this territory. At the US port of entry in Massena, the border signs are in English, French and Mohawk language. Officially, people who are returning to the United States inside the reserve are required to report at the US port of entry; however, in reality, residents are not expected to heed this rule. On the contrary, the duty to report to CBSA on the Canadian side is strictly enforced at Cornwall⁹. As a consequence of the 2009 events, Mohawk people who live in Cornwall Island and work in the American part of the reserve have to cross through the Island, report to CBSA at Cornwall and come back again to return home. The new CBSA building in the city of Cornwall does not have a specific lane for Akwesasne residents; despite the brand new sign indicating that there is “no waiting time at the border”, the loss of the previous “P4” lane in this new configuration has resulted in significant traffic issues on the bridge.

Map: The Border in Akwesasne

⁹ According to a Chief from MCA during an interview, “CBSA had to create a new culture of security after 2001”. Before this, CBSA existed priory for taxes issues, while CBP was there for protection, in the Chief’s words



LEGEND

1. New York, Ontario, Quebec interesection
2. CKON/Indian Time Communications Building
3. The Ice Bridge
4. International border crossing
5. Old U.S. Customs House
6. International border crossing
7. International border crossing
8. United States Customs
9. International border crossing
10. Abandoned CBSA port on Kawehno:ke
11. New CBSA Facility in Cornwall

Source: Mohawk Council of Akwesasne, September 2014.

Borderlands are places where border politics are embodied. In places such as Akwesasne, the complexity of living around the border becomes more obvious. If borders are generally in “permanent state of exception” (Salter, 2006), borderlands can also appear as “spaces of refusal”. Reece Jones proposes an alternative to the domination-resistance binary and the literature on the state of exception: “Spaces of refusal are not zones where there is a revolution against the state, nor are they spaces of romanticized resistance. Instead, they are characterized by a simple dismissal of the state’s claim to define subjects and activities in those spaces” (Jones, 2012: 687). If exceptional measures exist in Akwesasne as well as in other border areas, practices of refusal of the state’s imperatives are taking place within an acceptance of those measures. It is at the margin of the exceptional measures and, at the same time, at the margin of the refusal that changes occur. Between the state of exception and a space of refusal, Akwesasne could be qualified as a *space of exception*, or space of political experimentation: a specific target of border policies which simultaneously serves as a laboratory for the affirmation or the inclusion of aboriginal positions regarding border policies. The specific geographical location of Akwesasne situation obviously affects the residents, but it also offers a visibility that allows Akwesasne’s leaders to confront issues which affect indigenous people across the continent. Beyond the impressive mobilizations and strength of political activism within the community, the issue of controlling the modalities of security implementation within the reserve is mostly addressed through processes of negotiation and cooperation. From our point of view, those actions are completely part of the affirmation of sovereignty within this territory. Cooperation is one

element of the local strategies to affirm cultural specificities and political autonomy. It is a way to survive and a way of finding the margin within which negotiation can take place. Negotiation in political arenas and police cooperation are two ways of affirming sovereignty while taking over external rules. Rather than assessing the results of such dynamics, we intend to underline the mutual reinforcement of border policies and local sovereignty affirmation.

The leaders' willingness to cooperate with external agencies is illustrated by the organization of local forums that deal with border security. The originality of such events is the local character of their initiative¹⁰. Among them, the Mohawk Council of Akwesasne (MCA) has organized two Border Security Summits¹¹. These meetings are designed to gather agents from various government agencies as well as aboriginal leaders in order to allow everyone involved to express the indigenous people's concerns over border security policies and practices. The first summit was held in March 2006 in the town of Cornwall, off reserve, and the second took place in September 2014 at the Mohawk Casino of Akwesasne. Despite the fact that only representatives from the US, not Canada, attended the 2014 summit, these events are illustrations of the leadership's commitment to taking a stand on national border security policies. They are arenas of political visibility in which the specific issues of Akwesasne can be addressed, as well as broader concerns regarding Aboriginal rights. The fact that the very specific space of Akwesasne appears as a space of exception and as a laboratory is confirmed by the potential evolution of those events¹². An agent of the MCA, who was in charge of organizing the 2014 Summit, says that "the Assembly of First Nations as well as NCAI [National Congress of American Indians] would take the lead in the next one. It wouldn't be us. We would help them, we might sit on a committee, but we wouldn't lead it". This local event would thus be taken over by the Canadian and American national institutions representatives of the First Nations.

The confrontation of border issues on borderlands thus creates a space of discussion with the governments and leads to a broader mobilization regarding aboriginal rights to cross the border freely. In the following sections we will focus on two mobility issues that the residents of Akwesasne – along with other indigenous people on the continent – are faced with, and that were addressed as priorities during the 2014 Summit: identification and transportation of sacred items. Then, we will examine how police cooperation on border issues further illustrates the relationships between cultural concerns, local sovereignty and border security.

Bordering Mohawk Identity

One of the main issues that indigenous people currently face regarding border security deals with the specific identification documents required at the ports of entry. As a consequence of the Jay Treaty of 1794 that recognized the right of North American Indians to travel freely across the international boundaries¹³, Aboriginal people are allowed to cross the Canada-US border with their Certificate of

¹⁰ Most cross-border forums or events on border issues are bi-national entities supported and/or organized by the governments, such as the Canada-United States Cross-Border Crime Forum, the Lake Superior Binational Forum or the Cross Border Forum Quebec-New England.

¹¹For this paper we focus on those events (as we attended the second Summit in 2014, but other meetings were held in Akwesasne such as the Border Issues Think Tank in April 2013 (see MCA Newsletter, May 2013:7).

¹²It is worth noting that the name of summit changed. The International Indigenous *Cross Border* Security Summit of 2006 (March 17-18) became the Second International Indigenous *Border* Security Summit in 2014.

¹³ There are polemics and debates on the validity of the Jay Treaty in Canada, because it was signed by Great Britain. Some historians and lawyers affirm that it was cancelled by the war of 1812. In the facts, the treaty was implemented in Canada between 1801 and 1824. The Supreme Court of Canada declared the non-validity of the Treaty in 1956, but regular levies were not imposed until 1968 (Fleming Mathur, 1970).

Indian Status or Status card. In the Iroquois case, the Haudenosaunee passport was first used in 1923¹⁴; but the long struggle for its legitimacy has been reactivated recently by new identification requirements¹⁵. Under the Western Hemisphere Travel Initiative (WHTI), every traveller has to cross the border with a passport¹⁶. For North American Indians, a new card is required: the Secure Certificate of Indian Status (SCIS) in its “border-crossing format” that contains a Machine Readable Zone¹⁷. These recent changes raise the issue of citizenship and sovereignty amongst Aboriginal people. Identification was the first theme that was addressed during the Border Security Summit in September 2014. Representatives of the Pascua Yaqui Tribe in Arizona presented their “Enhanced Tribal Card Program”, which was the first of its kind to be financed by the US Federal Emergency Management Agency¹⁸. This program was presented as a model for other aboriginal groups, but many questions arose amongst the participants about the use of data and the potential for profiling and discrimination according to the individuals’ criminal pasts. During the break, several people expressed their refusal to get such a card. Many members of the community refuse to be defined as “Canadians” or “Americans” when they cross the border: their belonging is closely tied to the cross-border territory of Akwesasne (Grinde, 2002).

These apprehensions relating to the use of data and the declaration of citizenship were confirmed in an interview that we conducted with a Chief from the Saint Regis Mohawk Tribe (USA):

“We want to control our information. We actually don't want anyone else to have access to it. *The big part of it was the question of citizenship.* There's a lot of people, including myself, who believe that we are Mohawk citizens who happen to live in the United States, but *we also are Mohawk citizens of the Mohawk nation.* The same thing on the other side.”

Some discussions are ongoing to find a secured status card that would not only fulfill security requirements, but also maintain Akwesasne’s sovereignty (MCA, May 2013). In addition to the substantial concerns regarding identification requirements is the question of ‘who’ defines the identity through the making of a new card. In a practical perspective, the cost to create such a document is one factor of debate. The USA offers financial support for the Tribes to create their own card, as they did for the Pascua Yaqui. Currently in Canada, each individual has to apply for a card at Aboriginal Affairs and Northern Development. One of the easiest ways to create a secured card for Mohawk citizens would be to use American funds, which leads to a second source of debate, more structural and internal to the different councils in Akwesasne. Indeed, this option would mean that the Council of St. Regis in the American region lead the process. At the time of our fieldwork, the three Councils were having internal debates about the common design and the visual aspect of the card. Finally, the Haudenosaunee Confederacy, which counts with a “Documentation Committee”, announced that new

¹⁴ At this time the Cayuga dirigeant Deskaheh (Levi General) travelled to Geneva to formally apply for his people to become members of the League of Nations.

¹⁵ On July 13, 2010, a 47-person delegation of Iroquois athletes on its way to the world lacrosse championships in Britain was prevented from boarding a plane in New York because they were carrying Iroquois passports. Britain refused to issue them entry visas because American officials would not guarantee that they would be allowed to return to the U.S. using those documents. The U.S. government finally agreed to allow the delegation to travel under the Iroquois passports, but the British government refused to allow the team to enter the country. In May 2010, three Mohawks from Kahnawake were delayed by more than two weeks when they tried to return to Canada from a climate change conference in Bolivia while traveling with Iroquois passports. See <http://www.cbc.ca/news/tougher-u-s-rules-mean-changes-for-everyone-1.790053>.

¹⁶ The WHTI enacted in the USA as part of the 2004 *Intelligence Reform and Terrorism Prevention Act*. Air travel requirements went into effect in 2007, land and water requirements in 2009.

¹⁷ Customs and Border Protection (CBP) implemented those identification requirements in 2009 and CBSA in April 2013, as result from “Beyond the Border” plan (2011). The Department of Homeland Security continues to accept prior issued photo identification tribal cards until better complying cards are available, which is not the case in Canada.

¹⁸ Second International Border Security Summit, Akwesasne Mohawk Casino Resort, September 3-5, 2014, « Plenary Session. Securing Tribal/Nation’s Secure Border Identification ». The program was implemented between 2009 and 2011; today about 3000 cards are held by members of the tribe.

cards would be available soon for Iroquois citizens¹⁹. The responsible for economic development and assistant to the Grand Chief of the Mohawk Council of Akwesasne explained this during an interview as follows:

“They have a passport and they're working on their own swipe card. To get our local chiefs to agree with three councils together (a US council, a Canadian council, the traditional council), getting them to agree on one swipe card is a tricky thing. For me, if you had the symbol of the tribal council for the US, the technology on the back would be the exact same. It's just the design of it, let's say the tribal council emblem for those that would like to follow the US elected council, you had a Mohawk council emblem for those that follow that system. And you had a traditional council, let's say a five-nation council, on the front. If you had the same technology, it's the exact same card, just a different colour and design, then I think we could agree.”

The three councils have not yet reached a common solution, which indicates that defining identity through official documentation is an additional stake for the internal struggle over power. The choice of logo and visual appearance of the future card is a source of much debate, as it will ultimately determine whether the Mohawk People of Akwesasne prefer to identify themselves with the Iroquois Confederacy only, or more specifically with either the American or the Canadian parts of the Mohawk territory. Notwithstanding the future card's visual composition, all councils agree with the need to create a secured card in order to fulfill the new requirements.

Once again, the practice of indigenous sovereignty does not rely upon a radical opposition to external imperatives; instead, it hinges on the definition of a specific way to fulfill those requirements, while respecting the community's integrity as defined by the local leaders. This is another exemplification of the negotiated way in which Mohawk identity is defined at the border. The potential traceability of Akwesasne residents that could result from such security requirements is a real concern that has been expressed within the community, but the most current discussion deals with the way in which the Mohawk identity will be recognized *within those changes*. The internal division of power that we mentioned in the previous section has a concrete impact in the way of dealing with those changes. Just as the Mohawk People of Akwesasne are neither American nor Canadian, they are not only Iroquois; even within the Mohawk Nation and in comparison with other Mohawk territories, the split representative authority of Akwesasne confers an additional layer of complexity upon the struggle to control the definition of identity. The assistant to the MCA follows our interview affirming that:

“Now, the trick is to get everybody to sit down and get everybody to vote that way. Now, the traditional chiefs must take their decisions back to their clan. They cannot decide right away. Our chiefs and the tribal council chiefs on the other side could decide right away. But a traditional chief has to go back to his clan and he may have to take it to the band council and it may take a while to get an answer.”

On top of security concerns, the national identification requirements thus open a further internal debate on the correct way to affirm cultural specificities; it's an illustration of the centrality of different sources of internal power in the process of decision-making. The traditionalist and the elected styles of leadership are to be considered in the negotiation with external authorities; both internal and external imperatives take part in the very way in which Mohawk identity is bordered.

Performing the Border Mohawk Style

¹⁹ See <http://www.haudenosauneeconfederacy.com/hdc.html>.

The reinforcement of controls, especially those at the Canadian border, affects cultural practices that involve gatherings, such as powwows and other ceremonies. The transportation of sacred items to those ends has been increasingly problematic within the last few years. The use of eagle feathers, sweet grass, sacred medicine bundles and ceremonial tobacco in the ceremonies that take place on either side of the border is not specific to Mohawk people; however, it is more visible and common to such a borderland community²⁰. No specific rules have been implemented regarding a higher control of these sacred items²¹; on the contrary, the transportation of eagle feathers to or from either country is no longer illegal as of February 2003. However, broader practices of control at the border have been affecting those activities in a different way. Some objects, considered as sacred, are normally handled by certain individuals only, in order to preserve the sanctity of the objects. The tobacco pouches that are transported for ceremonies cannot be open, as a Chief from the MCA explained in an interview:

“The reason behind that is that because it takes many years of working with that tobacco pouch. If you open that pouch, that fellow has to start all over again and he's going to be mad. But you're not going to understand why he's mad. He's going to get mad and you're going to arrest him. This is why I'm telling you that he's going to get mad, because it may have taken him 7, 10, 15 years of work behind that tobacco pouch to make it powerful and all of a sudden you're going to open it to see what's in it and all of the power is gone. So, he's going to sit there and he's going to be all mad because he has to start all over again.”

For many border officers, anyone who carries objects that cannot be touched or opened is considered to be a suspect of illegal activities. Although the activities are not comparable, the tobacco issue is particularly strong in this area, as Akwesasne is often called a main corridor for smuggling. The issue of smuggling, which began to occur with tobacco contraband in the 1980's, found continuity with drug, arms and human trafficking in the following decades. It is extremely hard for Mohawk authorities as well as for external law enforcement agencies to implement control over such activities in this territory. Nonetheless, although it has been proved that most of the smuggling leaders come from outside of the reserve, the members of the community are often targeted as potential smugglers or criminals.

In order to avoid the conflation of organized crime and the transportation of sacred items or other cultural practices, as well as find a way to “reconcile” the CBSA and the Mohawk community after the 2009 events, some instances of dialogue between “security” and “culture” were set up. Some negotiations took place ‘in between’, to demonstrate the respect of cultural specificities in Akwesasne. First, the position of Aboriginal liaison officer was created in 2009 by the CBSA and the first officer began in June 2011. His mission is basically to promote a dialogue that explains to both authorities what the misunderstandings are that have led to the increasing number of complaints for harassment from the members of the community. Second, some training for cultural sensitivity were set up for CBSA officers: those three-day programs entail courses given by aboriginal Chiefs on cultural specificities that involve cross-border mobility. During an interview, a Chief from the St. Regis Mohawk Tribe affirmed that “[t]here's some cultural sensitivity. *It's a true measure of sovereignty*, where we are able to say to our community that we did this”. In the same idea, a Chief from the Mohawk Council of Akwesasne, who participated in this experience, asserts that the CBSA did not have other options in order to maintain the link with the community of Akwesasne, two years after 2009:

²⁰ The Iroquois Confederacy has thirteen annual ceremonies, in addition to punctual ones.

²¹ In the United States, Native American ceremonial practices were not protected by law until 1978.

“(we said) *We're going to be neighbours*. You move to Cornwall, that's fine, we don't have a problem with that. But we still have to use the borders. We have to figure out some way of doing this that make sense or our people aren't going to report. It's not that we're going to tell them not to report, it's the People: we know our People. If things don't change, they're just not going to report. And then what are you going to do? *Are you going to arrest the whole community?*”

Nonetheless, he has a nuanced appreciation on the results of this program. If the border agents are more and more aware of Akwesasne's cultural specificities in their daily work, the general policy guidelines remain being an issue:

“Has it changed behaviour? Yeah, I'd say it has changed behaviour. Has it changed how they do things? No, it hasn't changed. That hasn't changed because that is dictated from operational policy. Their operational policies and their standard operating procedures tell them they have to do things this way, but when they're doing things, they are cognizant of some of the information we gave them.”

This quote is an illustration of the contingent way in which public policies are implemented not only according to the agents on the field (Muller, 2000), but also according to the cultural context. The involvement of Mohawk Chiefs in the local adjustments that are made to implement security policies at the port of entry is a way to create links or to improve the mutual understanding between the community and the CBSA agents, through reaffirming the legitimacy of aboriginal cross-border practices and to support a more effective implementation of national policies. Even though the cultural sensitivity programs don't change radically the Mohawks' daily experiences at the border, they participate in the evolving definition of aboriginal sovereignty. The reinforcement of controls is an opportunity for the leaders to take a stand on an older concern regarding aboriginal rights to cross the borders, especially regarding the transportation of goods and its taxation. At the same time, the recognition of cultural identity in the concrete implementation of border policies contributes to involve the local leaders in the securitization of the border and in the erosion of aboriginal sovereignty as a practice of decision-making in the territory.

Implementing Security through Law Enforcement Agencies Cooperation

The increasing inclusion of the Mohawk police in the implementation and regulation of border security within the territory could be interpreted as another way of affirming sovereignty in Akwesasne. As is true of other Aboriginal law enforcement agencies in Canada, the police of Akwesasne was created in 1989 (Clairmont, 2006) before giving birth to governance agreements between different law enforcement agencies (Stennings, 1996). The transfer of security governance from the Royal Canadian Mounted Police (RCMP) to local policing did not happen in all reserves. In Akwesasne, despite the existence of different policing units in both the Canadian and American areas, it remains a symbol of autonomy that also takes part in border security issues. Since the 1990's, there has been increasing cooperation between those polices and external law enforcement agencies regarding border security issues. This cooperation did not start after 9/11: an American report of 1999 already outlined that border security had to include cooperation with the Mohawk Police because of “sovereignty issues” (Committee on the Judiciary House of Representatives, 1999: 72). This has been formalized more recently in Canada, with experiences such as the “Akwesasne Partnership Initiative”. Although informal cooperation had already existed before, it began formally in 2002. The initiative mainly involves the Mohawk Police of Akwesasne and the RCMP in a Joint Investigative Team. In this context, there are also some links with the Integrated Border Enforcement Team (IBETS) that involve CBSA, US CBP (Customs and Border Protection) and other agencies, and with the Border Enforcement Security Team (BEST) . The main goal of this initiative is training and information

sharing, as the different agencies each have their own unique types of information. First, the Mohawk authorities had very little information on the activities of other agencies surrounding Akwesasne. So, with this initiative, they are becoming more and more informed and involved in those activities and information sharing. Second, the Mohawk police is community-based and their officers can help external law enforcement agencies to understand Mohawk cultural dynamics. But there is one question that remains, which is how this cooperation is perceived in the community and what is the concrete impact on security issues: as one of the public reports outlines (Public Safety Canada, 2012), there is a risk of stopping only the “couriers”, rather than more important criminals.

Actually, the first involvement of the Mohawk Police of Akwesasne in this context was, according to its Chief, their response to the search of additional funding:

“At the time, we were looking for additional funding for our police services. The government asked us to show the need for it here. At the time, there was a lot of government funding going to the RCMP and all the agencies surrounding us. None of that funding was coming here. They were giving the RCMP money to target Akwesasne. Well, it made more sense to do investigations from within”.

Locally, the main argument in support of adopting agreements with external agencies is to strengthen the internal police services, from a financial and symbolic point of view. Our interview with a Chief on the American side of Akwesasne confirms the latter:

“There are certain reasons why we have agreements with outside agencies. It's for the protection of our community and the stability of our community. The last thing we would like is to have somebody else tell us how to take care of our community. That's not their right. That's our right and we believe in that very strongly. I believe in that very strongly. [...] We said, ‘You guys gotta behave when you come here. You know, because if you hit anybody, we cannot and will not guarantee your safety here because you've violated that trust’. They understand that, so they don't fly up and down our roads like they used to. It's all about cooperation.”

Another compelling reason to cooperate is to change the perception that the Akwesane community is involved in or supportive of the criminal activities in their territory, as the same interviewee told us:

“Like they say, this is the largest unmanned border in wherever, you know. We understand and take our security here very, very seriously. We don't want bad people coming through here and we don't want to be blamed for bad people coming through here and creating atrocities some place. We don't want to be known for that.”

Even if the cooperation with outside governments involves the risk to affect cross-border territorialities in Akwesasne, it appears to be the last way to balance cultural affirmation and recognition with external security imperatives (Dickson Gilmore, 2007). A Chief on the American side of Akwesasne summarized this idea by describing the reasons that justify cooperation:

“I think, you know, in the art of cooperation, you get a lot of things done. It's easier when you're not adversaries, but you also don't want to be too friendly with them, because that creates another issue, too. To use that old saying, you keep your friends close and your enemies even closer. I'm sure they understand that phrase, too. They don't do things because they like us but they know some time down the road they're going to need something from us. It works both ways and that happens over there all the time, too. I guess that's one of the uglinesses of government. It's give-and-take; it's compromise. I think that over the years we've become really good at it.”

This quote highlights that cooperation is not necessarily a choice; it is a way to govern, for aboriginal leaders as well as for national governments. The local involvement in the enhancement of security measures might be the main possibility to control their level of intrusion in the community. In early November 2014, the RCMP announced the implementation of the Border Integrity Technology Enhancement Project (BITEP), a \$92-million plan to erect an electronic surveillance fence on the Canada-US border in Ontario and Quebec²². Akwesasne is part of the more than one hundred “high-risk” cross-border crime zones in the area. The MCA responded to this announcement a few days later in a press release, mentioning the sovereignty issues for this territory in those terms: “putting Akwesasne into a police state that is already surrounded by security cameras and a multitude of law enforcement agencies can be viewed as an attack on not only our sovereignty; but also on our human rights, mobility rights and privacy rights”. Opposed to the BITEP, the leaders of Akwesasne focus on the necessity for law enforcement cooperation as well as funding for additional patrol officers and the creation of a full-time marine unit in the reserve: “At a time when Canada is planning to spend tens of millions more on law enforcement, Akwesasne continues to propose the least expensive path of partnerships and increased cooperation” (MCA, Nov. 2014). This pragmatic way of affirming the role of local authorities in the implementation of public policies demonstrates how cultural resistance to external imperatives can work, in some extent, through active participation in the redefinition and negotiation of national rules.

Conclusions. Building Border Security from the Bottom Up?

In Akwesasne, the right to move freely across the international boundary and the right to make decisions on the way border security is implemented within the territory are affirmed through cooperation with external agencies. For both issues, a double movement can be observed: the affirmation of cultural specificities and, concurrently, the involvement of the local discourses in security imperatives. Negotiation and cooperation can be, at the same time, a way to reaffirm indigenous sovereignty and diplomacy, and locally overtake external norms of security: they are not mutually exclusive. On the Canada-US border, two different federal strategies are illustrated in the case of Akwesasne: while the insertion of local leaders in the implementation of security policies is an exception in Canada, it is part of a national policy-design in the USA. From a local perspective, the American option might be conceived as a more inclusive one, even if the potential effects in terms of privacy and autonomy are quite similar. The fact that the relationship between the Mohawk leaders of Akwesasne and the US authorities is much less conflictive than with the Canadians can lead local authorities to build an equivalent framework in the Canadian context; this duality is, the very minimum, an important resource available to local leaders when they are negotiating with Canadian agencies.

In reaction to the events of 2009, the aboriginal Liaison Officer position was created *ad hoc* for the Cornwall port of entry, as well as the Cultural Sensitivity training program. These administrative figures and practices do not exist at other Canadian ports of entry; however, both have been implemented at the Federal level in the USA since the creation of DHS, in a more systematic way. While the cooperation between law enforcement agencies is part of a federal reflection on border security in the US (GAO, 2013; NCAI, 2013; ONDCP, 2012), this initiative is specific to the case of Akwesasne in Canada. On the American side, the Tribal Homeland Security Grant Program targets reservations located near strategic points to cooperate on the enforcement of security policies: “In Fiscal Year 2013, DHS will award \$10,000,000 to enhance the ability of Federally-recognized tribal

²² See http://news.nationalpost.com/tag/border-integrity-technology-enhancement-project/#__federated=1.

nations to prevent, protect against, respond to, and recover from potential terrorist attacks and other hazards” (DHS, 2013). Borderlands thus appear as spaces of exception and laboratories of public policies²³. More generally, the involvement of First Nations on border security is much more institutionalized in the US and responds to a renewed vision of border security in terms of “perimeter” (Seal of the President of the United States, 2011). Those initiatives seem to have been made in order to create some links with the community while remaining respectful of the local cultural practices and avoiding open conflicts; but they also follow the line of US policies regarding Tribal participation in securing the borders.

In this sense, borderlands can be spaces where indigenous leaders can use the national referees from both countries as local resources; at the same time, they can be spaces where the transfer of public policies from the USA to Canada is concretely framed. In their struggle to affirm cultural specificities through cooperation with external agencies, the indigenous leaders can become agents of the circulation of American norms for security. Therefore, beyond rules of security, what is at stake is the construction of norms of securitization. Indeed, the enhancement of border security policies does not only work through the imposition of juridical rules produced by the state, but also through the diffusion of norms. Those norms are not proposed, nor imposed, by a unique type of political stakeholder. Instead, security norms are taken over by each group of actors that is involved in the process; they are created and modified through the interaction and cooperation between those actors. Those norms have an effect on the application and reinterpretation of security policies within indigenous borderlands. They are constructed at every level, scale and dimension of indigenous border territorialities and contribute to the evolving definition of indigenous border culture.

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²³ Even in this US context, Akwesasne is a kind of laboratory for cooperation between law enforcement agencies. Some Native police officers are even allowed to patrol the border out of the reserve (NYSP News, 2007) and the Joint Task Force is taken as an example to fight against terrorism (Rodrigue, 2013).

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